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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,670	03/18/2004	Shih-Hung Chuang	T-1308	8001
802	7590	02/18/2005	EXAMINER	
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			WONG, STEVEN B	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 02/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,670

Applicant(s)

CHUANG, SHIH-HUNG

Examiner

Steven Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,10 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6,8,9,11-17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durlack (5,562,459) in view of Von Der Lippe-Lipski (1,784,364). Regarding claim 1, Durlack discloses an assembly comprising a plurality of triangular prism sets (18) rotatably placed on a shaft (13), a plurality of pieces (11) that are detachably attached to the prisms and a means (12, 13, 14) for rotating the triangular prism sets. Note Figure 7 showing indicia for the pieces. Also, note Figure 8 showing beams (41) for supporting the assembly. However, the beams are not seen as defining a frame with a space therein.

Von Der Lippe-Lipski discloses an exhibitor including a plurality of rotatable triangular prism sets (10) and a frame (note Figure 1) containing the sets. It would have been obvious to one of ordinary skill in the art to provide the assembly of Durlack with a frame defining a space that contains the assembly in order to contain the assembly and make the assembly more aesthetically pleasing by covering any open ends.

Regarding claim 7, note Figures 1 and 5 of Durlack showing a gear (12), a belt (16) and a motor (14) for rotating the triangular prism sets. It would have been obvious to one of ordinary skill in the art to replace the belt with another gear that would mesh with the other gear and motor in order to provide an alternative means for driving the rotatable triangular prisms that is more substantial.

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3. Claims 4, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durlack (5,562,459) in view of Von Der Lippe-Lipski (1,784,364) and Frechtmann (2,534,550). Regarding claim 4, Durlack states that his pieces (11) may be removably attached to the prisms by hook and loop fasteners (55). See column 5, lines 13-18.

Frechtmann discloses a toy construction wherein the pieces (16) are removably attached to the frame (12) by a recess (13) in the frame and a projection (18) extending from the piece. It would have been obvious to one of ordinary skill in the art to replace the hook and loop fasteners with a recess and projection as taught by Frechtmann in order to provide an alternative means of removably attaching the pieces to the triangular prism sets in the invention of Durlack.

Regarding claim 10, note the rejection of claim 7 above.

Regarding claim 18, note the rejection of claim 4 above.

Allowable Subject Matter

4. Claims 2, 3, 5, 6, 8, 9, 11-7 and 19 appear to read over the prior art of record.

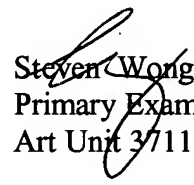
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
February 17, 2005